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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,319	07/05/2001	Jacobus Eliza Hazenbroek	11954-1910	2142

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THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP  
Suite 1750  
100 Galleria Parkway N.W.  
Atlanta, GA 30339-5948

EXAMINER

ALIMENTI, SUSAN C

ART UNIT	PAPER NUMBER
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3644

DATE MAILED: 05/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/899,319

Applicant(s)

HAZENBROEK ET AL.

Examiner

Susan C. Alimenti

Art Unit

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 17-27 is/are rejected.
- 7) ☒ Claim(s) 14-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. 6.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities:
  - On page 9, line 28 and on page 13, line 3, delete “of means”.
  - On page 9, line 30 replace “with” with --also--.
  - On page 10, line 16 it is not clear what is meant by the phrase “possible pollution”, as it seems awkwardly placed in the context of the respective paragraph.
  - On page 11, line 15 change “ensure” to --ensures--.
  - On page 12, line 20 change “roller” to --rollers--, and on line 24 delete “already”.

Appropriate correction is required.

### *Claim Objections*

2. Claims 1, and 22-27 are objected to because of the following informalities: The use of the word “which” is awkward and confusing, and where applicable should be replaced with a legal term such as --said--. Appropriate correction is required.
3. Claim 15 is objected to because the word “means” should be preceded by the word “discharge” in order to properly define the limitations set forth in the claim. Appropriate correction is required.
4. Claims 22-26 are objected to because the use of the word “comprising” is redundant. It is suggested that the second use of the word be replaced with --having-- or --including--.

Appropriate correction is required.

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***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 8, 11, and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The word “preferably” does not clearly define the limitations set forth in the claims. For example, in claim 8 it is uncertain as to whether the phrase “said roller drives the other roller” is included in the limitations.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Janessen et al. (USPN 6,142,893).

Janessen et al. (hereafter Janessen) discloses a device for processing and skinning poultry carcasses that includes all the limitations set forth in claims 24-26. The device comprises a conveyor and supports (6) for moving and retaining the carcass along the skinning process. It also includes skin-gripping means comprising two meshed rollers (152), rotateable in opposite directions for pulling the skin off in a manner that is perpendicular to the supply direction.

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***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-5, 7-11, 13, 17-21, 23 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janessen.

Janessen discloses a device and method for skinning poultry carcasses that is basically the same as that which is cited in the claims listed above except the skinning means does not move in relation to the carcass. In Figures 13a-13c Janessen's skinning process is illustrated, and it can be seen that the carcass disposed on a support (6) moves laterally and horizontally. It would have been obvious to one in the art at the time the invention was made to modify Janessen's device and method by making the skinning means mobile and keeping the carcass stationary in order to achieve a more advantageous angle for contact with the skin.

11. Claims 6 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Janessen as applied to claim 1 above.

Janessen, as modified, discloses a device that includes nearly all the limitations cited in claims 1-11, 13, 17, 19-22, and 27, except the skinning means is not shown with an arm support disposed perpendicular to the supply direction. Janessen does not specify how the skinning means is mounted to the main body of the machine, however upon examining Figures 4 and 4a, it can be seen that the carcass travels on along path (5) and then proceeds through stations 10-30. The processing installations at stations are mounted on arms (44, 52, 56) perpendicular to the

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supply direction (5). It would have been obvious to one in the art at the time the invention was made to also mount the skinning means to Janessen's machine on an arm in a similar manner.

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Janessen, as applied to claims 1, 7, 10, and 11 above, and further in view of Harben, Jr. (USPN 3,714,682).

The device disclosed by Janessen, as modified, includes all the limitations set forth in claims 1, 7, and 10-12 except one of the rollers does not have only a middle section that has a corrugated surface. Harben, Jr. shows a poultry skinning machine Figures 1 and 2. He teaches the use of one roller (50) in a set, having only a middle portion that has a corrugated or serrated surface. It would have been obvious to one in the art at the time the invention was made to modify Janessen's device with Harben, Jr.'s roller in order provide more precise contact with the skin.

***Allowable Subject Matter***

14. Claims 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record failed to show a discharge means as described in claims 14 and 15. It also fail to show a connection between roller movement and perpendicular movement of a skinning means as cited in claim 16.

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*Conclusion*

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with regard to poultry skinning devices.

USPN 4,723,339 to van de Nieuwelaar et al.

USPN 5,167,569 to Davis

USPN 5,248,277 to Bos et al.

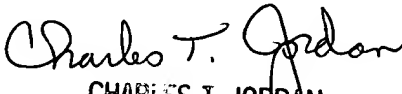
EPO 0104117 A2 to Madern

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is (703)306-0360. The examiner can normally be reached on Monday-Thursday, 7:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703-306-4159. The fax phone numbers for the organization where this application or proceeding is assigned are 703-306-4196 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

SCA  
May 20, 2002

  
CHARLES T. JORDAN  
SUPERVISOR, PATENT EXAMINER  
TECHNOLOGY CENTER 3600